

SEP 22 2005

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PATENT, TRADEMARK, COPYRIGHT
 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION

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 TRUMAN A. HERRON 1935-1976
 EDWARD B. EVANS 1936-1971

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September 22, 2005

FACSIMILE COVER SHEET

To: Examiner Firmin Backer
 Art Unit 3621
 Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22213-1450

Fax: 571-273-8300

Enclosures:
 Fax Cover Sheet containing Certificate of
 Facsimile Transmission (1 page)
 Transmittal containing Certificate of Facsimile
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 Notice of Appeal containing Certificate of
 Facsimile Transmission and Authorization to
 Charge Deposit Account 23-3000 in the
 amount of \$500.00 for the Appeal Fee
 (1 page)
 Pre-Appeal Brief Review Request (5 pages)

From: Scott A. Stinebruner
 Reg. No. 38,323
 Re: U.S. Patent Application
 Serial No. 09/431,833
 Filed: November 2, 1999
 Applicant: Joseph Phillip Bigus et al.
 Art Unit: 3621
 Confirmation No.: 9272
 Our Ref: IBM/02B

Pages: 8 (including cover sheet)

MESSAGE/COMMENTS
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Judith L. Volk

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September 22, 2005

Date

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IBM/02B
Confirmation No. 9272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph Phillip Bigus et al.
 Serial No.: 09/431,833
 Filed: November 2, 1999
 For: INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND
 METHOD OF NEGOTIATION THEREWITH

TRANSMITTAL

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 Commission for Patents
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 Alexandria, VA 22313-1450

Sir:

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 Charge Deposit Account 23-3000 in the amount of \$500.00 for the Appeal Fee
 (1 page)
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WOOD, HERRON & EVANS, L.L.P. By:
 2700 Carew Tower
 441 Vine Street
 Cincinnati, Ohio 45202
 (513) 241-2324


 Scott A. Stinebruner
 Reg. No. 38,323

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Judith L. Volk September 22, 2005
 Judith L. Volk Date

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 Serial No. 09/431,833
 Transmittal for Notice of Appeal of September 22, 2005
 IBM Docket RO996054L
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Attorney Docket No. IBM/02B
Confirmation No. 9272.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph Phillip Bigus et al. **Art Unit:** 3621
Serial No.: 09/431,833 **Examiner:** Firmin Backer
Filed: November 2, 1999 **Atty. Docket No.:** RO996-054L
For: INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND METHOD OF
NEGOTIATION THEREWITH

**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**NOTICE OF APPEAL FROM
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed June 22, 2005 finally rejecting claims 54-63 and 104-116.

The item(s) checked below are appropriate:

1. Applicants hereby petition for a _____ month extension of time to reply to the final rejection.
A check in the amount of \$ _____ is attached.

2. Appeal Fee: XXX Other than a small entity Fee: \$500.00

 Small Entity Status previously Fee: \$_____
Requested and is still proper

 Small Entity Status Requested Fee: \$_____

3. X Payment

XXX Check attached for the sum of \$ _____
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Wood, Herron & Evans, L.L.P.
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Respectfully submitted,

By:

Scott A. Stinebruner
Reg. No. 38,323

Date: 22 SEP 2005

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Judith L. Volk September 22, 2005

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Reply to Final Office Action of June 22, 2005
IBM Docket RO996054L
WH&E IBM/02B